

COPY *in opinion*

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CONCORD, N.H.

His Excellency, the Governor
State House
Concord, New Hampshire

Dear Governor Dwinell:

You have inquired whether any provision of the New Hampshire Constitution or of the Revised Statutes Annotated requires the General Court to stay in session until all bills have been presented to you for your signature.

My answer to this question is in the affirmative and I respectfully advise that in my opinion the General Court is not permitted to adjourn until all bills have been presented to you by the Secretary of State, signed by the Speaker of the House and the President of the Senate. Constitution of New Hampshire, Part II, Article 44; Revised Statutes Annotated 14:2; Opinion of the Justices, 76 N.H. 601, 603 (1911).

The present requirement of presentation of legislation to you for approval is contained in RSA 14:19. Under the provisions of this section, which itself is based upon an act of 1864, the Supreme Court of New Hampshire was asked whether an act could be presented by the Secretary of State to the Governor for signature after final adjournment of the General Court. This opinion was then answered in the negative. Examination of the authorities and the law to date reveals no change therein.

Furthermore, while the specific basis of the decision rendered in the Opinion of the Justices in 1911 was "... that no authority has been conferred upon the Secretary of State to present bills after the adjournment of the Legislature ..." (76 N.H. 601, 603), the High Court specifically reserved from this decision and

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did not pass upon the constitutional question of whether such power could be given at all. There is a dicta in the next succeeding paragraph, however, in which the Court points out that with only a few exceptions over the course of now one hundred and fifty years the Governor has informed the two branches of the Legislature in his message of adjournment concerning the disposition of bills and resolves that have been presented to him. In implying that this indicates legislative action and, in my opinion, strongly hinting that a constitutional amendment would be required to permit presentment after final adjournment, the Court said (at P. 609): "This seems to show that the Constitution for over a hundred years has been understood to mean that upon the adjournment of the General Court by the Governor the business of making law was ended for that Session."

Respectfully submitted,

Louia C. Wyman
Attorney General

W/d